



105US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Keith J. Allison and Richard J. Kaiser : Art Unit: 1734  
Serial No.: 09/974,700 : Examiner: Callie E. Shosho  
Filed: October 10, 2001 :  
For: ERASABLE MARKING COMPOSITION :  
:

RECEIVED  
AUG 8 5 2003  
TC 1700

TERMINAL DISCLAIMER TO  
OVERCOME DOUBLE PATENTING REJECTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SIR:

I, Jonathan H. Spadt, represent that I am an attorney of record for this invention.

The Assignee is Binney & Smith, 1100 Church Lane, Easton, PA 18044-0431.

The extent of the interest in this invention that the Assignee owns is in the whole of this invention, by virtue of an assignment from the inventors. A copy of the Assignment document as filed with the USPTO is attached hereto. The present application is a Continuation-in-Part Application of U.S. Patent Application No. 09/536,054 filed March 27, 2000 (now U.S. Patent No. 6,344,498).

The terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173 of United States Patent No. 6,344,498, is hereby disclaimed, except as provided below. It is agreed that any patent so granted on the above-identified application shall be enforceable only for and during such period that said patent shall be commonly owned with United States Patent No. 6,344,498, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

100-300  
48701762 00000744 00077701  
LAW OFFICES OF  
JONES DAY  
ATTORNEYS AT LAW  
1201 L STREET, N.W.  
WASHINGTON, D.C. 20004-2877

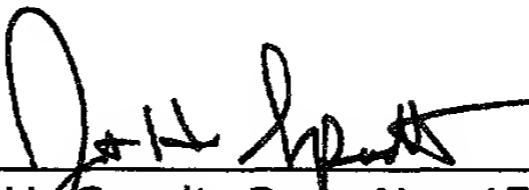
In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term (as defined in 35 U.S.C. §§ 154 to 156 and 173) of United States Patent No. 6,344,498, in the event that Patent No. 6,344,498 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is terminated prior to expiration of its full statutory term, except for the separation of legal title stated above.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of the undersigned's knowledge and belief, title is in the Assignee identified above.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both,

under Section 1001, Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully Submitted,

  
\_\_\_\_\_  
Jonathan H. Spadt, Reg. No. 45,122

Attorney for Applicant

JHS/dhm

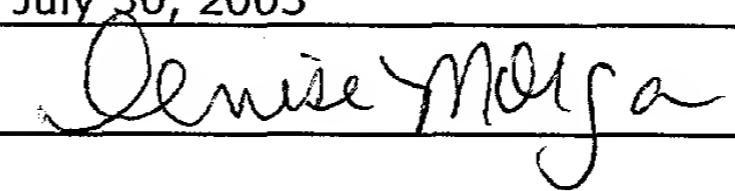
Dated: July 30, 2003

Suite 301  
One Westlakes, Berwyn  
P.O. Box 980  
Valley Forge, PA 19482  
(610) 407-0700

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

July 30, 2003

  
\_\_\_\_\_  
Denise Molga

**ASSIGNMENT - Patent Application**Docket Number: **BIN-105US**

Whereas, the Assignor, comprising the following named inventors:

ASSIGNOR(s)/ INVENTOR(s)	1. Keith J. Allison	2. Richard J. Kaiser
	3.	4.
	5.	6.

made an invention entitled: **Erasable Marking Composition**

for which an application for Letters Patent of the United States:

(Select one of the following):

is executed concurrently herewith  
 was filed in the U.S. Patent and Trademark Office on 10/10/01,  
as U.S. Patent Application Serial No.: 09/974,700

ASSIGNEE (Full Name and Address)	Binney & Smith 1100 Church Lane Easton, PA 18044-0431
-------------------------------------	---

is desirous of acquiring the entire interest in and to said invention and the Letters Patent to be obtained therefor,

Now, therefore, in consideration of the payment by Assignee to Assignor of a sum corresponding to One Dollar (\$1.00), and for other good and valuable consideration, the receipt of which is hereby acknowledged, Assignor, intending to be legally bound, hereby sells, assigns and transfers to Assignee, its successors and assigns the full and exclusive right, title and interest in and to said invention, all applications for Letters Patent for said invention, including all divisions, continuations, and continuations-in-part thereof, all rights to claim priority based thereon, and all Letters Patent, including reissues, to be obtained therefor, including any and all foreign patent rights in this invention corresponding thereto.

Assignor hereby warrants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this Assignment.

Assignor agrees it shall be legally bound, upon request of the Assignee or its successors or assigns or a legal representative thereof, to supply all information and evidence of which the Assignor has knowledge or possession, relating to the making and practice of said invention, to testify in any legal proceeding relating thereto, to execute all instruments proper to patent the invention in the United States of America and foreign countries in the name of the Assignee, and to execute all instruments proper to carry out the intent of this instrument.

If the invention requires a biological deposit, Assignor also grants to Assignee such control over any deposit made by Assignor as may be necessary to the validity of the patent rights assigned herein.

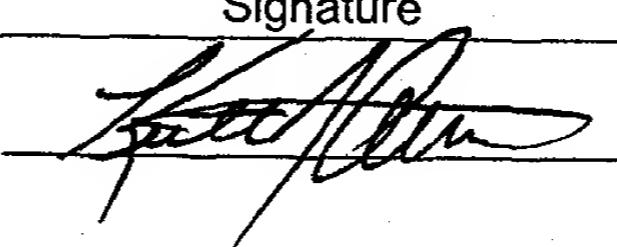
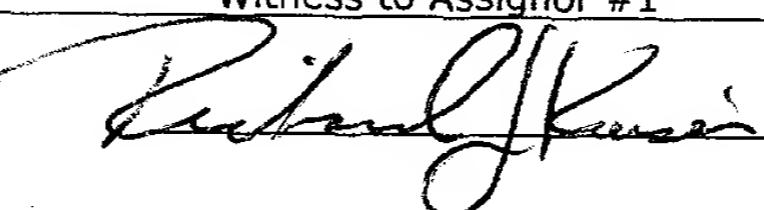
# ASSIGNMENT - Patent Application

Docket Number: BIN-105US

Assignor authorizes Assignor's attorney to insert at the end hereof, the serial number and filing date of the aforesaid application for United States Letters Patent and/or the Attorney Docket or file designation for this application if not identified above.

If the Assignor includes more than one individual, these obligations shall apply to these individuals both individually and collectively.

In witness whereof, this Assignment is executed on the day indicated below.

Typed or Printed Name	Signature	Date
1. Keith J. Allison		<u>7/28/2003</u>
* Witness to Assignor #1		
2. Richard J. Kaiser		<u>7/29/2003</u>
* Witness to Assignor #2		
3.		
* Witness to Assignor #3		
4.		
* Witness to Assignor #4		
5.		
* Witness to Assignor #5		
6.		
* Witness to Assignor #6		

## Application for United States Letters Patent:

Serial No.: 09/974,700

Filed: 10/10/01

Attorney Docket Number: BIN-105US

Total Number of Assignment Pages 2

\* Witness signature recommended, mandatory for some countries